

Kerala Gazette No. 43 dated 29th October 2019.

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg. Publication) Department

NOTIFICATION

No. 9080/Leg.Pbn.2/2019/Law.

Dated, Thiruvananthapuram, 8th May 2019.

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated 11th day of January, 2019 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President of India on the 10th day of January, 2019.

By order of the Governor,

B. G. HARINDRANATH,

Law Secretary.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 11th, January, 2019/Pausha 21, 1940 (Saka).

The following Act of Parliament received the assent of the President on the 10th January, 2019, and is hereby published for general information:—

**THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) ACT, 2019**

(ACT No. 1 OF 2019)

AN

ACT

[10th January, 2019.]

*further to amend the Right of Children to Free and Compulsory
Education Act, 2009.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Substitution of new section for section 16.—In the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the principal Act), for section 16, the following section shall be substituted, namely:—

“16. *Examination and holding back in certain cases.*—(1) There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.

(2) If a child fails in the examination referred to in sub-section (1), he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.

(3) The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2):

Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education.

(4) No child shall be expelled from a school till the completion of elementary education.”.

3. Amendment of section 38.—In section 38 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:—

“(fa) the manner and the conditions subject to which a child may be held back under sub-section (3) of section 16;”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.
